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International Covenant on Civil and Political Rights

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Human Rights Committee

Ninety-second session

Summary record of the 2523rd meeting
Held at Headquarters, New York, on Wednesday, 26 March 2008, at 10 a.m.

Chairperson: Mr. Rivas Posada

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Second periodic report of the former Yugoslav Republic of Macedonia

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08-28524 (E)

The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Second periodic report of the former Yugoslav Republic of Macedonia (CCPR/C/MKD/2; CCPR/C/MKD/Q/2)

1. *At the invitation of the Chairperson, the members of the delegation of the former Yugoslav Republic of Macedonia took places at the Committee table.*

2. **Mr. Manevski** (the former Yugoslav Republic of Macedonia), introducing the State party's second periodic report (CCPR/C/MKD/2), said that the development of democracy in the Republic of Macedonia was based on the principle of respect for human rights and fundamental freedoms and on the construction of a functional multicultural system. He commended the Committee for its contribution to the promotion and protection of the rights enshrined in the Covenant and stressed that its concluding observations on the initial report had provided valuable input into national policymaking activities.

3. During the reporting period, the Republic of Macedonia had ratified a number of European instruments on civil and political rights, as well as the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime and the Protocols thereto. The ratification procedure in respect of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was under way. A comprehensive overhaul of the national machinery for the promotion and protection of the rights set out in the Covenant had also been undertaken, comprising, inter alia, the establishment of the National Commission for the Rights of the Child, the introduction of mandatory primary and secondary education and the enactment of anti-discrimination legislation.

4. The justice system had also undergone significant reforms in order to strengthen its capacity to guarantee the rights and freedoms of individuals and to ensure that all citizens had equal access to justice. Parliament had adopted a number of legislative amendments designed to enhance judicial independence, as well as a series of new laws on the Judicial Council, public prosecutors and courts, and the Training Academy for Judges and Public Prosecutors had implemented vocational courses for judges, public prosecutors, lawyers and other legal professionals. Legislation on juvenile justice had been codified and, with a view to reducing the backlog of pending cases through greater reliance on out-of-court settlement procedures, the Law on Mediation had been enacted. The Government was also contemplating the introduction of new legislation on free legal aid. A series of steps had been taken with a view to improving prison conditions, including the refurbishment of existing premises, the construction of new facilities and training programmes for staff. In addition, the Ombudsman had launched a programme designed to educate prison inmates about their rights.

5. The Government attached the utmost importance to the fight against corruption and was firmly committed to a policy of zero tolerance. To that end, a number of laws and programmes had been introduced and criminal proceedings had been brought against various high-ranking officials. As far as organized crime was concerned, the Republic's legislation was being brought into line with relevant international standards. In particular, special protective measures had been introduced for underage victims of human trafficking.

6. As a result of the 2001 constitutional amendments and the implementation of the Framework Agreement, a comprehensive reform of the arrangements for the protection and promotion of the rights of members of non-majority communities had been carried out. A strategy on the adequate and equitable representation of members of those communities and an associated action plan had been launched; in 2007 there had been a threefold increase in Government funding for those activities. An institute devoted to the cultural heritage of the ethnic Albanians had been established in 2007 and a new law on the legal status of churches, religious communities and religious groups, which conformed to international standards, was due to enter into force on 1 May 2008. Lastly, a strategy for cooperation with the International Criminal Tribunal for the Former Yugoslavia had been adopted.

7. **The Chairperson** invited the delegation to address questions 1-12 on the list of issues (CCPR/C/MKD/Q/2) and in that connection drew attention to a document containing written responses from the former Yugoslav Republic of Macedonia.

8. **Ms. Geleva** (the former Yugoslav Republic of Macedonia), responding to question 1, said that the Office of the Ombudsman had been established in accordance with the Paris Principles, which had also been partially implemented in the context of the establishment of the Permanent Survey Commission for the Protection of Citizens' Rights and Freedoms. In order to bridge a number of gaps in the institutional framework for the protection of human rights, the Government had also established an inter-ministerial human rights body, which was responsible for coordinating relevant activities carried out by the various ministries and entities, overseeing the implementation of pertinent recommendations issued by the United Nations and the Council of Europe and drafting proposals to further develop national legislation on human rights. A series of measures designed to strengthen that body were currently under review.

9. **Mr. Manevski** (the former Yugoslav Republic of Macedonia), addressing the issue of corruption (question 2), acknowledged that, in the past, the political will to eradicate corruption had been lacking. That situation had changed in 2002, however, with the establishment of the State Commission for the Prevention of Corruption. The Commission had adopted its most recent four-year action plan in 2007 and the Government had recently approved funding for that plan in the amount of €647 million.

10. The fight against corruption was a complex task, requiring, inter alia, strong institutions and competent staff. Efforts were under way to harmonize around 1,500 inherited laws and regulations and the Ministry of the Interior, the Directorate for the Prevention of Money-Laundering and the Office of the Public Prosecutor had all established specialized units dedicated to the repression of organized crime and corruption. In order to increase transparency, all appointed and elected officials were obliged to submit a declaration listing their assets. Members of the public could access those declarations by visiting the website of the State Commission for the Prevention of Corruption. Those who failed to submit a report or who were found to have made a false declaration were subject to penalties and their undeclared assets were taxed at a rate of 70 per cent.

11. Ongoing awareness-raising campaigns had borne fruit, in that public opinion was now firmly in favour of a zero-tolerance policy towards corruption. Enhancing the effectiveness of judicial proceedings in corruption cases was a vital step in the process because the prospect of prosecution was the only way to prevent citizens from falling prey to temptation.

12. **Ms. Trencevska** (the former Yugoslav Republic of Macedonia), speaking to the issue of discrimination against women (question 3), said that, in May 2006, Parliament had adopted the Law on Equal Opportunities for Men and Women, which set out general and special measures to ensure gender equality in various spheres, detailed the responsibilities of the competent entities and provided for sanctions in the event of non-compliance. Furthermore, in order to promote women's participation in political and public life, the Election Code stipulated that at least one in three candidates for national and municipal elections must be of the underrepresented gender. Those measures had yielded the expected results in the 2006 parliamentary elections, meaning that women now accounted for 28 per cent of the total number of parliamentarians. According to data from 2005, similar affirmative action at the local level had resulted in a threefold increase in the number of women elected to municipal councils.

13. **Ms. Lazova** (the former Yugoslav Republic of Macedonia), referring to question 4 concerning measures to combat domestic violence, said that, in 2006, amendments to the Law on the Family, followed in 2007 by the adoption of a Rule Book, had assigned institutional responsibilities in that area and provided for special protection measures, which were also covered by a new law to be adopted by the end of the year. Such measures could be requested from the courts by associations of citizens and were required to be put in place by the competent social work centre within 72 hours. The definition of domestic violence contained in the Law on the Family had been harmonized with the Criminal Code, which likewise offered victims the opportunity to request, revoke or extend special protection measures. In addition, special units had been established in social work centres to care for victims and a network of shelters had been developed in six cities. The Ministry of Labour and Social Policy had also created a national hotline for domestic violence, which received between 120 and 150 calls a month. The Ministry had established its own database in that connection, based on the monthly reports submitted by social work centres. Reports of domestic violence for 2007 broke down the data on

victims according to ethnicity, age and gender, and action taken. In 2005, 146 persons had been charged with such acts, of whom 25 had been given prison sentences. Furthermore, a new strategy to combat domestic violence was to be adopted by the end of the year, which would provide for the opening of advisory centres to help families at risk.

14. **Mr. Zafirovski** (the former Yugoslav Republic of Macedonia), responding to question 5 on the list of issues, said a clear distinction had to be made between the Ministry of the Interior and the police. The function of the former was to formulate government policy, while that of the latter was to carry it out. Article 3 of the Law on the Police stipulated that the main role of the police was to protect the human rights and fundamental freedoms of citizens guaranteed by the Constitution and all applicable international instruments. A police reform process was under way which entailed the adoption of strategic, operational and practical measures. The organizational structure of the police force had been transformed and new job descriptions had been issued, with particular emphasis on the principles of community policing. Only 38 police stations in the country had the authority to detain persons; they had been specially strengthened for that purpose and provided with the logistic support required to ensure humane conditions. In response to the criticisms made by the European Committee for the Prevention of Torture, an action plan had recently been adopted to remedy all the problems identified, including the appropriate treatment of police officers guilty of professional misconduct.

15. **Mr. Manevski** (the former Yugoslav Republic of Macedonia), addressing question 6, said that the appeal filed by the Public Prosecutor against the judgement of the Skopje Court of First Instance had been dismissed by the Supreme Court as ungrounded. While the acquittal of the accused had accordingly been confirmed, the Supreme Court had, without prejudice to the merits, sustained the request for protection of legality. There were no further legal remedies available.

16. Turning to question 7, he said that the International Criminal Tribunal for the Former Yugoslavia had referred a number of cases to the Office of the Public Prosecutor as falling within its competence. That Office would decide whether to reopen or close the cases in accordance with the Criminal Code. Regarding the case of the corpses found in a pit, the four bodies had been identified and the competent authority had initiated a procedure to bring the perpetrators to justice. A police investigation was accordingly under way which had not as yet produced any results.

17. **Ms. Atanasova** (the former Yugoslav Republic of Macedonia) said, with reference to question 8, that the Law on Amnesty, adopted in 2002, set out the grounds on which pardon could be granted for crimes committed during the armed conflict in 2001. Accordingly, a total of 898 persons had been pardoned, 164 under article 1 and 734 under article 2.

18. **Mr. Zafiroski** (the former Yugoslav Republic of Macedonia), taking up question 9, said that the issue of trafficking in human beings was high among the priorities of several State institutions. In view of the complexity of the problem and the many actors involved, a wide-ranging strategy had been developed, which included institutional capacity-building and the further development of the fight against organized crime. All relevant services, notably immigration and money-laundering controls, had been enlisted in the effort to curb such trafficking. In January 2008 the Criminal Code had been amended to provide for specific action against related offences, incorporating in particular the definition of a new crime, namely, trafficking in minors. Moreover, several actions in recent years had met with success in that regard, leading to the rescue of more than 200 persons and the initiation of judicial proceedings against perpetrators, most of whom had been imprisoned. One recently introduced measure provided for the confiscation of assets deriving from trafficking and the compensation of victims. In addition, an intensive media campaign had been launched to develop public awareness of the problem.

19. **Ms. Trencevska** (the former Yugoslav Republic of Macedonia) said that a social rehabilitation programme had been put in place for the victims of such trafficking, including children. A coordinating mechanism had been established by the Ministry of Labour and Social Policy in September 2005 to promote the reintegration of victims. In addition to public awareness campaigns, workshops had been organized on the protection of vulnerable groups, giving training to more than 1,000 professionals. A National Commission on the Fight against Trafficking in Human Beings had also been set up in the Ministry, with both governmental and non-governmental

participation. That had led to the establishment of a national database on perpetrators, with special training in specific software for the database operators. Victims of trafficking could seek refuge in two shelters that has been set up for them, one for foreign victims, the other for nationals; they provided health care and socio-psychological support with a view to complete rehabilitation.

20. **Mr. Manevski** (the former Yugoslav Republic of Macedonia) noted that the Prime Minister had been personally involved in the fight against trafficking in persons and that a number of high-level round-table meetings had been held on the subject, with the participation of members of the judiciary, social workers and other experts concerned.

21. **Mr. Zafirovski** (the former Yugoslav Republic of Macedonia) said that the written reply to question 10 omitted to mention relations between the Ministry of the Interior and the Ombudsman. After some difficulties, they had established good working relations, based on a recognition of their need to cooperate in pursuit of the common goal of safeguarding the human rights and fundamental freedoms of individuals.

22. **Mr. Manevski** (the former Yugoslav Republic of Macedonia) said that the Ombudsman had just published a report on his work in 2007, which had been submitted to Parliament. Of the 950 recommendations issued by his Office, 858 had been followed. The Government had instructed all the bodies concerned to engage in appropriate follow-up and warned of penalties in the event of non-compliance.

23. **Ms. Geleva** (the former Yugoslav Republic of Macedonia), addressing question 11, said that the State party had been very responsive to the concerns expressed by the Council of Europe regarding special detention centres. An ad hoc committee of the European Parliament had visited the country and held talks with all the stakeholders. An internal investigation by the Ministry of the Interior had not revealed any breach of national law.

24. **Mr. Manevski** (the former Yugoslav Republic of Macedonia), turning to question 12, said that, at the beginning of its term of office and upon the proposal of the Ministry of Justice, the Government had carried out a detailed analysis of the national penitentiary system, which had pointed to a general need for reform. Following the analysis, the Ministry of Justice had been asked to develop a programme aimed at improving prison conditions, as well as training and treatment for prisoners; such a programme had been adopted by the Government in 2008 and a loan of €14 million had since been secured to finance the construction, maintenance, and equipping of correctional institutions. In 2007 alone, 80 new staff had been engaged to bolster the prison health and education services. Construction and renovation was already under way for a number of prisons and other projects were awaiting the arrival of funds under the loan secured. In addition, special treatment was being provided under the new programme to the 300 or so drug addicts who required it in the country's largest penitentiary. The Law on Execution of Sanctions had been submitted for review by international experts and would be amended if required. In sum, the Government was eager to remedy the unsatisfactory situation in penitentiary institutions and to bring them into line with international standards.

25. **Ms. Motoc** said that she welcomed the State party's detailed report but regretted that its late submission had hindered its availability in languages other than English. Regarding question 1 on the list of issues, she requested clarification on the "partial" implementation of the Paris Principles referred to by Ms. Geleva. While recognizing that the State party had made major legislative and institutional efforts to curb corruption (question 2), she wondered how effective the new regulations had been. Specifically, how many people had been investigated and sentenced on corruption-related charges? Furthermore, what was the current situation regarding small-scale corruption? To what extent did society operate according to bribes and such dishonest practices?

26. Regarding discrimination against women, still more needed to be done to increase the representation of women in senior positions within the State party's institutions. She enquired how many women worked in the private sector, as that was often a weak point, even in developed countries. Further, what was the image of women in the Republic and what were the authorities doing to promote a positive image? She welcomed the information provided according to which women did make complaints of domestic violence. Noting that, in its statistics on such violence, the State party distinguished victims of Macedonian origin from Roma victims, she asked whether such differentiation was in fact designed to favour minorities or whether it might

be interpreted as a form of discrimination. Regarding the Criminal Code's provisions on rape, had the requirement of proof of penetration and active resistance by victims to secure a rape conviction been removed?

27. She welcomed the State party's efforts to eradicate police violence. However, according to reports received by the Committee, regular acts of police violence continued to occur against Roma. She therefore wished to know what mechanisms were in place for investigating complaints of such violence and how many decisions had been handed down in favour of Roma victims.

28. **Ms. Wedgwood** said that, while historically many conflicts had been resolved through amnesties, there was a strong view in the human rights community that, if there were to be serious deterrents to violating the right to life and the right not to be subjected to torture, amnesty, especially blank amnesty, must be considered with the utmost circumspection; thus, the Law on Amnesty could set a troubling example for other former Yugoslav republics. The number of persons covered by that Law was surprisingly high and she wondered whether its wording excluded crimes of an international nature, such as crimes against humanity or war crimes, which would otherwise be presentable either in international courts or, under universal jurisdiction, in other national courts. She requested additional information on the conditions that had necessitated such wholesale amnesty. Information would also be appreciated on public discussion of the Law on Amnesty and on whether all elements of civil society had concurred in the amnesty. According to her information, amnesty under the Law concerned would cover the murder of six Pakistani and one Indian citizens on 2 March 2002, a case which involved a former Minister of the Interior currently in detention in Croatia. Amnestying a person formerly responsible for supervising the police would surely hamper the Government's attempts to instil democratic principles in the police forces.

29. Additional information on the progress of the four cases returned from The Hague would be appreciated. According to one source, some Macedonian-Albanian political parties asserted that those cases were covered by the Law on Amnesty, but the prosecutor claimed they were not and could be tried in court. In the light of the fact that the State party was seeking full membership of the European Union and the North Atlantic Treaty Organization, had it considered the compatibility of such a broad amnesty with the assumption in European standards that human rights must be fully vindicated?

30. As to the principle of non-refoulement with regard to the right to life, she noted the progress in providing for the judicial review of asylum claims through appeals courts. In that connection, she wondered whether it was the State party's intention to allow the several hundred members of minorities who were refugees from Kosovo to remain in the Republic and provide them with documents, even though their claims had been rejected.

31. Turning to the issue of police violence, she asked what procedures existed for bringing instances of alleged police violence to the attention of the Sector for Internal Control and Professional Standards.

32. **Mr. O'Flaherty** asked to what extent communities of victims had been consulted in drafting and applying the provisions of the Law on Amnesty, given the importance of taking into account the perspective of victims in restorative justice. With regard to trafficking, he commended the best practices that the State party had become known for internationally, and welcomed the extraordinary efforts made to prevent human trafficking, especially that related to children. The 2003 national action plan was a positive step forward. At the same time, he was concerned that the State's serious commitment might not be shared by front-line officials, especially police and judicial officers. How did the State party intend to impart to those officials a better sense of the importance of such policies?

33. He was surprised at the low figures for the awarding of non-pecuniary damages and would appreciate an explanation from the delegation on the reasons for them. In addition, there had been suggestions that assistance schemes had been applied in a selective manner, and he wondered if that perhaps pointed to an underlying problem of perceptions that needed to be addressed. Finally, information had been received according to which the system of protection for victims and witnesses in the courts, although well designed, was not always put into practice; he would welcome the delegation's comments on such reports.

34. He thanked the delegation for the detailed information provided on the existing judicial procedures to review the lawfulness of detention and

asked how the State party was training the police to deal with those issues. It was important to provide such training not only for entry-level recruits but also for established personnel.

35. Regarding the case of Mr. al-Masri, he noted that the State party had maintained its consistent approach of denying any responsibility. That left the Committee in a difficult position, given the extraordinary amount of information it had received in favour of the accused, not to mention the fact that the Committee on the Elimination of Racial Discrimination appeared to have accepted the State party's responsibility in the matter in its concluding observations. To the extent that the State party might in fact have some involvement in the case, a number of issues would be raised in respect of articles 9 and 7 of the Covenant, among others. He noted that, according to the Committee's long-established jurisprudence, if any acts of torture or cruel, inhuman or degrading treatment occurred in the State to which a person was rendered, grave concerns could be raised with regard to refoulement. In the delegation's view, had the investigation taken into account other security forces of the State party and other aspects of State party actions, as well as the possible complicity of any other State on the territory of the State party? Furthermore, had the Government taken account of the large body of evidence against the State party? He wondered, if it were ascertained that there had in fact been deficiencies in the original investigation, whether the Government would consider a full re-examination of Mr. al-Masri's case and compensation in that context. Finally, what systems had been put in place to prevent similar situations from occurring in the future?

36. **Mr. Pérez Sánchez-Cerro** enquired whether the Law on Amnesty had had the effect of halting the prosecution of high-level officials and members of the security forces who had been accused of serious human rights violations during the conflict in 2001 and 2002. Persons responsible for human rights abuses should be prosecuted under the law and under no circumstances benefit from amnesty. He asked the delegation to address the reports of police violence against the Roma, including beatings during arrest and detention, and of the mistreatment of Roma students in schools. More information on the treatment of ethnic Albanians was also needed. Several non-governmental organizations had given an account of discrimination against ethnic minorities with respect to health services, employment, housing and other matters. He noted with concern that there was no effective system of appeal for rejected asylum-seekers, especially as second-instance procedures were subject to pressure from the Ministry of the Interior.

37. **Mr. Amor** said that he was shocked at the requirement of proof of penetration and active resistance by victims to secure a rape conviction under the law, as it reflected the arguments often put forward by rapists in trials. Any attempted rape was an attack on a woman's dignity. That requirement was contrary to articles 2, 3, 14 and 26 of the Covenant. He enquired whether any studies had been conducted as to how women were regarded in society and whether the Government had taken measures to combat stereotyped and misogynist images of them. Concerning article 11 of the Covenant, it was stated in paragraph 256 of the report that the law prohibited deprivation of liberty on the grounds of a person's inability to fulfil a contractual obligation. Nevertheless, it was unclear whether the inability to fulfil a contractual obligation could still be criminally prosecuted. Clarification was needed on the extent to which article 11 had been taken into account in the positive law and case law of the State.

The meeting was suspended at 12.25 p.m. and resumed at 12.40 p.m.

38. **Ms. Geleva** (the former Yugoslav Republic of Macedonia) said that Parliament was currently discussing ways of ensuring that the Office of the Ombudsman enjoyed adequate funding to protect its independence in accordance with the Paris Principles.

39. **Mr. Manevski** (the former Yugoslav Republic of Macedonia) said that his Government was grappling with the problem of corruption on a daily basis. Corruption of all kinds, including petty corruption, undermined democratic development and was prejudicial to the interests and rights of citizens. Petty corruption often amounted cumulatively to corruption on a large scale. For example, in early April some 70 transportation officials would be tried for misappropriation of public funds amounting to some €5 million in all. There had also been prosecutions of customs officials charged with corruption. His Government was therefore making every effort to combat corruption at all levels.

40. **Ms. Trencevska** (the former Yugoslav Republic of Macedonia) said that there were not enough women

in the Government. However, one priority objective set in the National Plan for Ensuring Equal Access for Women in Politics and in Other Areas of Policy and Decision-Making was to increase the number of women in decision-making positions. The number of women in managerial positions in the private sector had improved significantly in recent years. Regrettably, stereotyped views of the place of women in society persisted. However, the Government had been endeavouring to eliminate such views, inter alia by encouraging local self-government bodies to promote gender mainstreaming of their policies. Those bodies had subsequently developed action plans at the local level to overcome stereotypes and prejudices, taking into consideration the specific characteristics of the local communities. The Government was also working with the news media to increase awareness of the need for a gender dimension in the dissemination of information. Journalists and editors had participated in the "Women can do it" project of the European Forum for Democracy and Solidarity, which had increased media awareness of gender issues. The Law on Equal Opportunities for Men and Women provided for gender mainstreaming in the area of education. In March 2008, the Ministry of Education had launched a project to promote gender-sensitive education, including the training of primary-school teachers. Textbooks would also be reviewed to eliminate gender-based stereotypes.

41. **Mr. Zafirovski** (the former Yugoslav Republic of Macedonia) said that police officers had specific tasks and obligations. They must protect fundamental freedoms and human rights as well as prevent violence against citizens. Police authority was very strictly regulated by law. There were two levels of control over the work of police officers: police superintendents, who had direct knowledge of daily operations, and the Sector for Internal Control and Professional Standards within the Ministry of the Interior. Complaints regarding the alleged use of unlawful force by the police were investigated without exception or selectivity. Officers found guilty of offences under the Code of Police Ethics were punished in accordance with the relevant legislation.

The meeting rose at 12.55 p.m.

United Nations CCPR/C/SR.2524

International Covenant on Civil and Political Rights

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Meeting of the States Parties to the International Covenant on Civil and Political Rights

Summary record of the 2524th meeting
Held at Headquarters, New York, on Wednesday, 26 March 2008

Chairman: Mr. Rivas Posada

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08-28556 (E)

The meeting was called to order at 3.04 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Second periodic report of The former Yugoslav Republic of Macedonia (CCPR/C/MKD/2 and CCPR/C/MKD/Q/2) (*continued*)

1. *At the invitation of the Chairperson, the members of the delegation of The former Yugoslav Republic of Macedonia took places at the Committee table.*

2. **Ms. Geleva** (The former Yugoslav Republic of Macedonia), referring to the issue of non-refoulement, said that a group of Roma, Ashkali and Egyptian refugees from Kosovo had been staying in her country since the 1999 refugee crisis. Some had not been given refugee status, and individual applications had been processed in accordance with the provisions of the law. No forced repatriations had been carried out, and the United Nations High Commissioner for Refugees (UNHCR) had assisted only those who had chosen to return to Kosovo voluntarily to do so.

3. On the issue of inappropriate second instance procedures, she reiterated that amendments to the law on General Administrative Procedure had been adopted, and that the law on Asylum and Temporary Protection would be amended accordingly, enabling rejected applicants to file appeals with the Administrative Court instead of the Government's Second Instance Commission.

4. UNHCR had confirmed that applicants were not discriminated against on the basis of ethnic origin and all those who could not return safely to Kosovo remained in Macedonia and received UNHCR and Government assistance.

5. On the al-Masri case, the investigation had been comprehensive. Mr. al-Masri had been held at the border while the police checked his passport for evidence of possible forgery. Further investigation by the Ministry of the Interior had produced no additional information.

6. Turning to discrimination against the Roma, she said that an action plan, jointly funded by the Government and international donors and covering issues such as access by the Roma to education, health and jobs, was being implemented under the Decade of Roma. She expressed the hope that the action plan, would continue to build on its current results. Her country took pride in the Roma community, which was well represented at the political level. A number of non-governmental organizations were trying to address the complex problems faced by that community.

7. The legal definition of rape was an extremely important issue. The Committee's comments would be taken into account by the Minister of Justice in amending the Criminal Code.

8. **Mr. Manevski** (The former Yugoslav Republic of Macedonia) said that the discussion on the legal definition of rape would be reflected in the reformed Criminal Code, which would be adopted by the end of 2008. As a former public prosecutor, he believed that the issue had been raised at the opportune moment.

9. **Mr. Zafirovski** (The former Yugoslav Republic of Macedonia), turning to the access by citizens to police oversight mechanisms, said that the Law on the Police stipulated that a citizen could file a complaint in the event of ill-treatment by the police. In the past, many of the complaints had been lodged with the Sector for Internal Control and Professional Standards through international organizations. However, ever since the introduction of new operational standards the previous year, fewer complaints had been filed through NGOs, indicating increased confidence in the police oversight mechanisms. The Sector for Internal Control and Professional Standards was also committed to making a finding within 30 days of a complaint and to informing the complainant in writing about the outcome of each investigation.

10. Mr. O'Flaherty had rightly concluded that victims of human trafficking received minimal indemnification. However, the legal obligation to award damages to victims of human trafficking had been introduced only recently in his country, and he expressed the hope that the two initial cases involving the award of damages would encourage the courts and police to adopt a more serious approach to the issue.

11. **Mr. Manevski** (The former Yugoslav Republic of Macedonia) said that the Law on Amnesty, which had been adopted at a certain point in history and in response to a specific political problem, was limited in duration and scope and did not cover the cases mentioned by the Committee. With regard to the cases that had been returned by the International Criminal Tribunal for the former Yugoslavia, his Government, in cooperation with the Organization for Security and Cooperation in Europe (OSCE), had implemented a

year-long training programme for judges and public prosecutors on quality processing of cases. The Government had also adopted a law on cooperation with the Tribunal. A courtroom equipped with modern equipment had made it possible to interrogate witnesses who did not wish to reveal their identity.

12. **Mr. Zafirovski** (The former Yugoslav Republic of Macedonia), on police treatment of the Roma, said that the police followed standard operating procedures and treated all ethnic groups equally. The Sector for Internal Control and Professional Standards sanctioned those officers who were found not to have followed standard operating procedures in the performance of their duties. The police was instructed to pay special attention to historically marginalized groups such as the Roma, and to establish firm working relations with NGOs dealing with Roma issues. The Sector for Internal Control and Professional Standards worked in a transparent manner, and information on its activities was posted on the Ministry of the Interior website.

13. **Mr. O'Flaherty** welcomed the delegation's helpful responses, which, in most cases, provided an impressive amount of information on the Government's approach to tough challenges. He suggested that the delegation consider establishing an independent police oversight body, as many countries had found it to be a useful device. While he was impressed by the State party's work in the area of trafficking, he wished to have additional information on the efforts the Government was making to change public perceptions, promote social change and establish the correct disciplinary framework for police and other public officials on the issue.

14. He was unhappy with the Government's position on the al-Masri case, and hoped that the delegation would reconsider the matter and give either oral or written responses to his specific questions. The Committee could not ignore the al-Masri case because it raised multiple issues under the Covenant, which called for a genuine dialogue in order to promote the protection of Covenant-based rights in States parties. A dialogue was impossible on the basis of very strong allegations on the one hand and the Government's refusal to engage with the issues on the other.

15. **Mr. Amor** welcomed the delegation's responses, particularly with regard to the question of rape and requested the delegation to provide the Committee with a written response on the State party's implementation of article 11 of the Covenant.

16. **Mr. Sánchez-Cerro** said that the delegation's explanation with respect to the Government body responsible for asylum-seekers was unclear. Indeed, it should shed light on the composition of the Government's Second-Instance Commission and the First-Instance Commission, which seemed to have the same members. Such a scenario would appear to undermine the judicial review process, meaning that potential asylum-seekers could be forced to return to countries where their lives would be in danger.

17. **Mr. Manevski** (The former Yugoslav Republic of Macedonia) referring to human trafficking, said that the Government was implementing, in cooperation with the European Commission and the Italian Government, a training programme that targeted organized crime and corruption. Negotiations were under way to make his country a regional centre for the coordination of regional efforts to prevent human trafficking and other related activities. His delegation would provide further explanation on the prevention of human trafficking and on article 11 of the Covenant in writing.

18. **Mr. Zafirovski** (The former Yugoslav Republic of Macedonia) said that a project financed by OSCE and involving experts from the Sector for Internal Control and Professional Standards, the public prosecutor's office and the Ombudsman, was analysing existing police monitoring mechanisms. The project, which was launched six months previously, was in its final stages. On the basis of its findings and of the experiences of other countries with comparable legal systems, an independent, external police monitoring system would be established.

19. **Ms. Trencevska** (The former Yugoslav Republic of Macedonia), responding to the question on internally displaced persons, said that, according to a 2001 report of the Ministry of Labour and Social Policy, there were 778 of them, in her country. The Government continued to provide financial assistance to them, and it had offered private accommodations to all those who were housed at collective centres; 202 individuals had accepted the Government offer.

20. With regard to the conditions of facilities where internally displaced persons from the Lipkovo region were housed, a Government delegation had visited the region and held meetings with the internally displaced

and returnees. The internally displaced persons had rejected the Government's offer to rebuild the remaining damaged homes because they insisted on pursuing their claims for compensation for damages resulting from the 2001 crisis.

21. **Ms. Geleva** (The former Yugoslav Republic of Macedonia) said that it was the Supreme Court, and not the Second-Instance Commission, that took the final decision on rejected asylum applications. It was possible that there were people serving on the Commission who also worked in the Ministry of the Interior. The Supreme Court had confirmed the Second-Instance Commission's decision with respect to the cases of over 300 persons from Kosovo. Despite that decision, those persons had not been returned to Kosovo because of the unsafe environment in that country.

22. **Mr. Zafirovski** (The former Yugoslav Republic of Macedonia) said that none of the members of the lower court had been members of the appeal court.

23. **Ms. Atanasova** (The former Yugoslav Republic of Macedonia), replying to question 14 on the list of issues, said that the State Programme for the Prevention and Repression of Corruption and its Action Plan provided for the strengthening of measures to prevent corruption in the judiciary, including through the draft law on the Public Prosecutor's Office. Procedures for the election of judges and public prosecutors had been depoliticized, new information technologies would promote transparency, the judiciary had an internal monitoring system and a unit within the Ministry of Justice was responsible for monitoring enforcement agents, notaries and mediators.

24. The backlog of court cases had been reduced by 6.4 per cent since 2005 following the adoption of the Law on Civil Procedure and the Law on Criminal Procedure, and the new Mediation Law provided an alternative settlement mechanism for civil, economic and employment disputes. The Law on Minor Offences obliged the authorities to harmonize penalties for the offences that it covered and amendments to the 2005 Constitution gave administrative bodies the power to impose sanctions for certain misdemeanours; appeals against such decisions could be lodged with the newly established Administrative Court.

25. The lack of court translators and interpreters for Albanian, Turkish and other local languages was being addressed through a 2005 decision on the training of translators and interpreters from those communities with a view to their employment in State administrative bodies and the courts. The European Agency for Reconstruction had funded a nine-month training programme for 99 university graduates, of whom 61 were currently employed in the administration and 38 in the courts. The Law on Criminal Procedure and the 2005 Law on General Administrative Procedure established the right to use of an interpreter in dealing with the courts and with administrative bodies.

26. **Ms. Geleva** (The former Yugoslav Republic of Macedonia), speaking with regard to freedom of religion, said that the 2007 Law on the Legal Status of a Church, Religious Community or Religious Group, which would come into force on 1 May 2008, addressed the concerns expressed regarding articles 5 and 8 of the previous Law on Religious Communities and Religious Groups and brought domestic law into line with article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The restrictions on the performance of religious activities by foreign nationals had been lifted and registration procedures had been simplified. Henceforth, churches, religious communities and religious groups would be able to apply for registration as legal entities by submitting appropriate documentation to the First Instance Court of Skopje. They would then be entered in a single court register that was open to the public.

27. **Mr. Manevski** (The former Yugoslav Republic of Macedonia) said that all the nation's religious groups had supported the adoption of the new Law, which met the high standards set by the European Court of Human Rights and were consistent with the right to freedom of religious practice guaranteed by the Constitution. He therefore believed that religious tolerance had been achieved in his country.

28. **Ms. Geleva** (The former Yugoslav Republic of Macedonia), turning to the issue of freedom of opinion and expression, said that in order to harmonize domestic law with the European Convention for the Protection of Human Rights and Fundamental Freedoms and the jurisprudence of the European Court of Human Rights, the offences of defamation and insult had been decriminalized; they no longer carried the penalty of imprisonment, nor could they be prosecuted ex officio by the State.

29. **Mr. Manevski** (The former Yugoslav Republic of Macedonia) said that under the new legislation, the offences of defamation and insult were prosecuted only where a complaint had been lodged. Penalties included a fine and compensation for the plaintiff. Most cases to date had involved journalists accused of slander.

30. **Ms. Geleva** (The former Yugoslav Republic of Macedonia) said that the issue of incitement to racial hatred had been discussed at length by the Committee on the Elimination of Racial Discrimination in 2007 in the context of its discussion of the Government's fourth to seventh periodic reports, submitted in a single document (CERD/C/MKD/7). In 2007, three cases had been prosecuted under article 137 of the Criminal Code; she thought that there had not been more cases because racial and religious discrimination were not serious problems in her society.

31. **Mr. Manevski** (The former Yugoslav Republic of Macedonia), replying to question 19 on the list of issues, said that the election irregularities which had given a poor impression of his Government in the past had been totally eliminated.

32. **Ms. Atanasova** (The former Yugoslav Republic of Macedonia) said that 14 of the 19 court cases involving election irregularities had been completed, two were still pending and in the remainder of the cases, the charges had been dropped; of the 28 resulting convictions, 11 had been confirmed on appeal. In the two cases that had received the most publicity, the defendants had been sentenced to six months to three years of imprisonment.

33. Since 2005, the Ministry of Justice had been working with non-governmental organizations (NGOs) and other representatives of civil society to review the relevant legislation. Draft amendments to the Election Code, which targeted "family voting" (whereby men voted for their wives), proxy voting and campaign financing and reporting irregularities, were awaiting adoption by Parliament.

34. **Ms. Geleva** (The former Yugoslav Republic of Macedonia), on the rights of persons belonging to minorities, said that the Government was strongly committed to achieving a multi-ethnic democracy. Under the 2001 Framework Agreement, a number of constitutional amendments had been adopted with a view to the appointment of members of non-majority ethnic groups to the civil service. A strategy on equitable representation had been adopted in 2007 and every ministry had been required to submit an action plan for its implementation. During the past year, 545 members of ethnic minorities had been hired, bringing their total number to 12,530. Some ministries had made more progress than others; members of non-majority ethnic groups accounted for 30 per cent of staff in the army, 17 per cent in the police and 24 per cent in the Ministry of Foreign Affairs. However, care was taken to recruit only well-educated staff, regardless of their ethnic affiliation.

35. **Mr. Manevski** (The former Yugoslav Republic of Macedonia) added that the new Law on Quotas and the draft law on the Public Prosecutor's Office, which was expected to be adopted, would reduce the length of prior experience required for the appointment of members of non-majority ethnic groups from five years to three years for judges, from eight years to five years for public prosecutors and from 12 years to 8 years for Supreme Court justices. The new procedures would also promote the appointment of highly educated young people from all ethnic groups.

36. **Mr. Zaflrovski** (The former Yugoslav Republic of Macedonia), replying to question 21 on the list of issues, said that many Roma were not registered as citizens. Most of them were nomadic with no fixed abode and, in any event, were not aware of the need to regularize their situation. Consequently, they were unable to exercise their right to vote and had no access to health care, social assistance or an education.

37. In 2007, the Ministry of the Interior had worked with three Roma NGOs, which had organized a campaign to provide the Roma with incentives to submit any personal documents in their possession so that they could be issued identification papers. However, there had only been 12 applicants under that programme; their cases had all been processed. A further project was being developed in cooperation with the Office of the United Nations High Commissioner for Refugees and his Government anticipated that the problem would be resolved prior to the submission of its next report.

38. **Ms. Geleva** (The former Yugoslav Republic of Macedonia), speaking in reply to question 22 on the list of issues, said that the Office of the Ombudsman had confirmed that there had been no complaints concerning the right to use the language of minorities in local government units. Such languages were in

official use in two municipalities: Gostivar (the Turkish language) and Kursevo (the Vlach language).

39. **Mr. Azizi** (The former Yugoslav Republic of Macedonia) said that the Turkish and Serbian communities had the opportunity to receive instruction in their languages at the primary and secondary school levels. Instruction in the Roma, Vlach and Bosniak languages was not available; however, as a result of the educational reforms that had extended primary education from eight to nine years, students from those communities were now entitled to two hours of instruction per week in their mother tongue. The Ministry of Education and Science was preparing to offer additional training for teachers in non-majority language programmes, the Bureau for Education Development provided advisory services and the State Education Inspectorate monitored the quality of teaching.

40. Various education initiatives were being taken in the context of the Decade of Roma (2005-2015). Since January 2001, the Ministry of Science and Education had developed a National Roma Strategy and Action Plan, distributed materials to all departments of the Ministry and established a task force to implement the Action Plan. It had provided scholarships to 30 Roma students under more lenient application requirements and was making efforts to include the parents of Roma students in parent-teacher associations. A secondary school was being established in the nation's only Roma municipality and the enrolment of 918 Roma students in the nation's other secondary schools had been facilitated. The quote for the equitable representation of students from non-majority communities in the secondary schools had been increased from 2.6 per cent to 4 per cent, without detriment to the selection of other students on the basis of merit.

41. Optional teaching in the Roma language was being introduced in five schools and efforts were being made to prevent the segregation of Roma students in the primary and secondary schools. At the University level, a department of Roma studies was being established and study of the Roma community was being included in the teacher training curriculum. Additional proposals for increasing the enrolment rate of Roma students had been submitted to the Government; inter alia, it had been suggested that textbooks on the Roma language and culture should be developed.

42. **Mr. Manevski** (The former Yugoslav Republic of Macedonia) added that under a new programme entitled "A Computer for Every Child", the Government had allocated funds for the purchase of 100,000 computers that were being installed in the primary and secondary schools and were expected to make education more accessible.

43. **Ms. Geleva** (The former Yugoslav Republic of Macedonia), turning to question 24 on the list of issues, said that the Government had issued publications on the regional and international human rights instruments; they were distributed to all governmental bodies and educational institutions and were provided to NGOs upon request. The Ministry of Foreign Affairs had recently announced that it had added to its website a link to the Government's reports to all the human rights bodies, which were posted in Macedonian and English.

44. Unfortunately, the Government had little experience in involving civil society in the drafting of those reports, and its efforts in previous years had met with little success. In December 2007, on the occasion of International Human Rights Day, the Ministry of Foreign Affairs and the United Nations country team had organized a workshop on the topic of "Reporting obligations to the United Nations human rights bodies: issues of common interest and how to improve the national reporting process". There had been great interest in that event and another round of consultations was planned. It had been decided that there were already adequate mechanisms for ensuring civil society's involvement in the drafting of reports and that the focus should be on inviting NGOs to comment on the concluding observations of the human rights bodies. That initiative was still at an early stage, although a national NGO was already monitoring implementation of the Committee on the Elimination of Discrimination against Women's concluding observations on his Government's combined initial, second and third periodic report (CEDAW/C/MKD/CO/3).

45. **Ms. Wedgwood** noted that, according to the reply to question 13, internally displaced persons in the Lipkovo region had rejected the Government's offer to restore damaged or destroyed houses because first they wanted to pursue their claims for compensation for damage resulting from the 2001 crisis. She was curious to know why one action was being made conditional on the other. Surely it would be preferable to restore the

houses first and worry about compensation later. It was very difficult to maintain a family in temporary housing and claims could take years to resolve. Furthermore, the issue of internally displaced persons was inextricably linked to other Covenant values, such as the right to family.

46. Referring to the statement in the reply to question 21 that the Ministry of the Interior was making efforts through several NGOs to encourage those Roma who had not regularized their national and citizenship status to do so, she asked who bore the burden of proof should a Roma community member claim to be a citizen of the Republic. If the family itself bore that burden, it might end up being stateless.

47. With respect to the use of minority languages, she wondered whether the State actively encouraged local authorities to use languages spoken by less than 20 per cent of the population as an official language.

48. According to the reply to question 23, an initiative had been adopted to increase the State quota for Roma students from 2.66 per cent to 4 per cent. That quota seemed very small to her. She wished to know whether there were any Roma-language newspapers or television programmes. The Government might also wish to consider other more creative ways of reaching Roma children, for example by streaming educational material to them via computers. Lastly, she asked the delegation to respond to claims that, owing to a lack of classes, some Turkish students were forced to travel to other municipalities.

49. **Mr. Bhagwati** asked the delegation to respond to reports of clashes between Macedonian and Albanian students over the introduction of additional classes in Albanian and the functioning of ethnically mixed schools and to describe what was being done to improve cooperation between the two groups. He would also be interested to know what steps were being taken to remedy the reported lack of institutional capacity to integrate minority languages and cultures into the education system; to tackle the shortage of teachers from Roma and other minority communities; to reduce the dropout rate among Roma children, particularly girls; and to ensure an equitable distribution of higher education places among all communities. In that regard, the delegation might wish to shed light on reports that the Government's planned quota system had encountered difficulties.

50. In the concluding observations adopted following its consideration of the State party's initial report (CCPR/C/79/Add.96), the Committee had noted with concern the continued application of restrictive legislation in various fields, including concerning the importation of foreign printed materials. He wished to know whether any steps had been taken to address that issue and, in particular, whether the legislation in question had been repealed.

51. In the same concluding observations, the Committee had expressed its concern at the fact that minority participation in political, administrative, cultural and other institutions was still well below a level commensurate with their proportion of the population. It would seem from the delegation's earlier comments that that issue had been addressed.

52. With regard to freedom of religion (art. 18), he asked whether the new law on the Legal Status of a Church, Religious Community and Religious Group would replace the previous Law and whether the former distinctions between religious communities and religious practices had now been removed.

53. Lastly, he wished to know whether any action had been taken in response to the legislation on denationalization mentioned earlier; whether any machinery had been introduced to enforce its provisions; under which circumstances a property would be restored to its original owner; and how many properties had been restored to their original owner thus far.

54. **Mr. O'Flaherty** expressed appreciation for the comprehensive and encouraging statistics relating to the reduction of the backlog of court cases (replies, question 15), but requested more information on the measures taken to fight corruption in the judiciary.

55. He welcomed the steps taken with regard to minority language education, in particular the introduction of optional subjects for studying the language and culture of the Roma, Vlachs and Bosniaks (replies, question 23), but wondered whether two classes a week would be sufficient. He also made the point that minority groups wanted not to learn about their language, but rather to receive instruction in their language. He was pleased that the Government recommended against the segregation of Roma children into Roma classes, but wondered whether it would not be better to prohibit such segregation altogether. He also asked the delegation to respond to reports of a

high incidence of bullying of Roma children by both their peers and their teachers. He wanted to know whether the Government would consider adopting comprehensive anti-discrimination legislation.

56. With regard to the dissemination of information relating to the Covenant and the Optional Protocol (art. 2), he asked whether the State party's reports and the Committee's concluding observations were translated into the minority languages, disseminated to public libraries and deposited in the Parliament's library and, if not, whether the Government would consider doing so.

57. Lastly, in view of the poor level of NGO representation at the meeting, he asked the delegation to inform NGOs in the former Yugoslav Republic of Macedonia that the Committee would welcome their participation in future meetings.

58. **Ms. Motoc** asked how many cases were prosecuted under article 137 (injury to the equality of citizens) of the Criminal Code. Despite the many provisions implementing the law, it would seem that citizens were reluctant to seek justice and few judgments were passed. She wished to know how the Government planned to educate judges and citizens in that regard. She would also like to know whether the investigations conducted into the reported irregularities during the local elections of April 2005 had yielded any results and how many people had been found guilty and punished.

The meeting was suspended at 4.55 p.m. and resumed at 5.15 p.m.

59. **Ms. Trencevska** (The former Yugoslav Republic of Macedonia) said that the Government was in no way linking the restoration of housing damaged or destroyed in 2001 to the financial assistance received by internally displaced persons. Just because internally displaced persons in the Lipkovo region had rejected the Government's offer to restore their houses did not mean that they were no longer under the Government's care. The Government continued to provide monthly financial assistance to internally displaced persons until such time as they returned home.

60. On the issue of comprehensive anti-discrimination legislation, she said that a task force comprising Government and NGO representatives had been established to analyse both existing legislation and the situation of other countries in the region and beyond. Just that month, the Government had begun preparing a draft text. The text included mechanisms to protect people against discrimination on various grounds, including age, ethnicity, race, sexual orientation and disabilities. If everything went according to plan, the draft would be submitted to the Government by September 2008 and adopted by the Parliament before the end of the year.

61. **Mr. Manevski** (The former Yugoslav Republic of Macedonia) said that the Ministry of Justice had prepared a draft relating to the exercise and expression of the cultures and traditions of ethnic minorities falling below the 20 per cent threshold. He hoped that the Government would give full consideration to the draft, which would improve the human rights of all communities.

62. **Mr. Zaflrovski** (The former Yugoslav Republic of Macedonia) said that the Government was not questioning in any way the citizenship of undocumented Roma community members, since without papers they would not have been able to enter the country. Rather, it was looking at how it could encourage such people to regularize their status. The problem was compounded by the fact that information campaigns simply did not reach Roma communities, which led a nomadic existence and had little or no access to television or newspapers. In his view, NGOs could assist the Government by convincing such communities of the benefits of acquiring citizenship.

63. **Mr. Azizi** (The former Yugoslav Republic of Macedonia), referring to media offerings in the minority languages, said that most programmes on the second channel on State-owned television were in the Roma language, and that on other channels and radio broadcasts there was extensive programming, mainly in Albanian, but also in the Turkish, Bosniak, Vlach, Roma and Serbian languages. There was no Roma newspaper because the alphabet had not yet been standardized.

64. Regarding educational issues, the quotas for minority student enrolment in State-owned universities were minimum quotas, and even then, it was often impossible to make up the 4 per cent because there were not enough qualified secondary school graduates. The main problem in attracting teachers from the Roma community itself was the lack of qualified teachers; and one priority of the Ministry of Education and Science in its action plan had been to establish a

department of instruction in Roma in the pedagogical faculties. It was true that the two hours per week of language study in the minority languages was not sufficient, but the action plan should improve that situation as well.

65. The problem of female dropouts after primary school, especially in the Roma and Turkish communities, had been addressed by making secondary school mandatory and fining parents who did not send their children to school, while at the same time conducting a broad campaign to familiarize parents with that new notion. In the case of Vlachan Turkish students who had to travel to other municipalities to attend mandatory secondary school, the Government provided housing. There had indeed been clashes between Albanian and other ethnic minority students, but only in the one municipality of Struga. The Government was trying to resolve the conflict swiftly not by segregating students by ethnicity but rather by working with the parents, the students involved and the schools. In Skopje, for instance, which had a great many schools of mixed population, there had been no tensions.

66. The Ministry of Education and Science had introduced a new "civil culture" course extending over the late primary school and early secondary school years, in which subjects such as human rights, democracy, the role of the citizen and of the mass media in society, or the need for tolerance and cooperation were taught, so as to inculcate critical thinking and produce students informed on national and global issues.

67. **Ms. Geleva** (The former Yugoslav Republic of Macedonia) said that one of the basic plans under the United Nations Children's Fund (UNICEF)-sponsored "Education for All" project was to start Roma children in preschool in order to avoid dropouts later on, and to identify the factors that led pupils to drop out, especially in multi-ethnic schools. The State was also providing many extra-curricular activities specifically targeting the Roma, and was working on other educational or cultural projects with the European Agency for Reconstruction. Also, there were no restrictions on foreign publications and newspapers that could be imported.

68. Following the 2005 election irregularities, observed by many international monitors, the election boards were no longer composed simply of political party representatives and one judge, but now comprised also professionals from all walks of life and government administrators. All elections after 2005 had proceeded normally.

69. A few complaints of racial discrimination had been submitted under article 137 of the Criminal Code since 2000, but none of them had come to trial as yet. Most of the public was unaware of that remedy, and the Government was making an effort to inform the people about their rights. The nation had come a long way, however, in public awareness of human rights violations and had become involved in resolving the issues that came up. She would be sure to convey Mr. O'Flaherty's message to the NGOs in her country. Also, copies of the periodic reports and concluding observations would be given to the newly established parliamentary library. As for the translation of texts, the problem was the lack of human and financial resources.

70. **Mr. Manevski** (The former Yugoslav Republic of Macedonia) said that the new Law on the Legal Status of a Church, Religious Community and Religious Group would take effect in May 2008, rescinding many of the provisions of the older legislation on the matter. The constitutional amendment relating to freedom of religion and worship upheld separation of Church and State and declared that the Orthodox, Islamic, Catholic, Evangelical Methodist, Jewish and other faiths were all equal before the law.

71. The denationalization of confiscated property and its restoration to the former owners — or monetary compensation for what could not be restored — was proceeding quickly, and the Ministry of Finance would be concluding the process by July 2008. As to corruption in the judiciary, one judge had already been sentenced, another had been charged and several other cases were being prepared for trial. The Judicial Council, recently appointed to oversee the judicial system, intended to take all appropriate steps under the law to combat corruption.

72. **Ms. Wedgwood** observed that the Government could not delegate the regularization of status to NGOs, but should use their approach and send mobile teams to the places where undocumented persons lived, for they themselves would never come to City Hall. Also, while it had perhaps been unwise for some of the internally displaced persons to refuse the Government's bona fide offers of housing, it would

now be sensible for the Government to be especially generous, in the interest of settling all the internally displaced and their children.

73. **Mr. O'Flaherty** observed that the discussions with the delegation of The former Yugoslav Republic of Macedonia had been one of the most open, constructive and useful debates that he had seen in his time on the Committee.

74. **The Chairperson** noted the Committee's recognition of the advances the State party had made in many areas, especially its determination to give the country greater institutional stability and to modernize its legal system. Since many of the reforms were very recent, it was of course too early to judge the equally important practical results they would have. Commendably, an Ombudsman had been appointed, but that did not preclude the establishment also of a national human rights body, which many States in the region had found to be very useful. The fight against corruption in particular had to be a long and continuing effort, which required education and a fundamental transformation of outlook.

75. The members of the Committee had expressed a number of concerns: about the very sensitive issue of reluctance to testify in cases of rape; about the full acceptance of the notion of amnesty and the commitments it entailed, one of which was compensation for the victims of human rights violations; and about a number of instances of apparent impunity for disappearances and kidnappings, where it was not clear that the Government had made enough effort. The Committee looked forward to receiving more information on the results of the investigations into the 2005 election irregularities.

76. An important advance had been the decriminalization of certain types of action engaged in especially by journalists, thus removing a threat to freedom of speech. The Government had also recognized the importance of protecting minorities in a mostly multi-ethnic country, and acknowledged the scope of the problem, where balance had to be struck between the demands of national unity and the protection of the whole range of minority rights. He hoped that publicizing the Covenant would help advance human rights in the country.

77. **Mr. Manevski** (The former Yugoslav Republic of Macedonia) said that the comments and encouragement of the Committee would serve as a stimulus to even greater success in furthering human rights, as befitted a democratic society. His Government was working very hard to meet all the criteria for membership in the European Union and modifying its legislation accordingly. He hoped also that it would succeed in changing the mindset of its people, because citizens had a right to live in a State under the rule of law. As a token of his respect, he presented to the Committee a book he had written on combating corruption.

78. **The Chairperson** said that he would be pleased to put his book in the Committee's library.

The meeting rose at 6.05 p.m.